

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division**

DARIUS J. RICHARDS,

Plaintiff,

**v.**

SGT WILLIAMS, *et.al.*,

## Defendants.

Civil Action No. 3:19CV698

## MEMORANDUM OPINION

**(Dismissing Action Without Prejudice for Failure to Serve Remaining Defendants)**

Plaintiff, a Virginia inmate proceeding *pro se* and *in forma pauperis*, brings this action. Under Federal Rule of Civil Procedure 4(m),<sup>1</sup> Plaintiff had ninety (90) days to serve Defendants. Here, that period commenced on July 30, 2020. More than ninety (90) days have elapsed and Plaintiff has not served Defendants Williams, Belshire, Ellis, Smith, and Allen. Accordingly, by Memorandum Order entered on April 12, 2021, the Court directed Plaintiff, within eleven (11) days of the date of entry thereof, to show good cause why the action against Defendants Williams, Belshire, Ellis, Smith, and Allen should not be dismissed without prejudice.


<sup>1</sup> Rule 4(m) provides, in pertinent part:

If a defendant is not served within 90 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.

More than eleven (11) days have elapsed and Plaintiff has not responded to the April 12, 2021 Memorandum Order. Accordingly, the action against Defendants Williams, Belshire, Ellis, Smith, and Allen will be dismissed without prejudice.

An appropriate Order shall accompany this Memorandum Opinion.

Date: May 11, 2021  
Richmond, Virginia

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HENRY E. HUDSON  
SENIOR UNITED STATES DISTRICT JUDGE